assigned for the rule. Some authorities explain it as the logical result of the theory that corporations have no legal existence outside the state which created them. 3 Fletcher. *Cyc. Corp.* sec. 1635. It has been pointed out, however, that that theory itself is unsound. See Prof. W. N. Hohfeld, *Stockholders' Individual Liability* (1910) 10 COLUMBIA L. REV. 283, at p. 297 ff. Other authorities state the rule as one of public policy and convenience, it being regarded as unjust to compel stockholders to go outside the state for the purpose of attending meetings. 1 Morawetz, *Priv. Corp.* (2d ed.) sec. 488. In the light of present day business conditions this reason loses much of its original weight. Corporate stock is widely distributed and, despite the legal presumption to the contrary, the majority of the stockholders in a large proportion of cases are not in fact residents of the state of incorporation. There is, in fact, a decided tendency to organize big corporations in states whose laws are favorable, though they be remote from the real business headquarters, and though, too, a great majority of the stock be held still elsewhere. At least one eminent writer has declared that even in the case of corporations for profit, there is no reason why, in the absence of express statutory prohibition, shareholders should not be permitted to provide for extra-state meetings, if desired. 1 Morawetz, *Priv. Corp.* (2d ed.) sec. 488. But whatever might be said of the general rule when applied to corporations for profit, it is unsatisfactory in its application to non-profit corporations. In the case of such corporations, especially those having constituent organizations throughout the country, whose very value depends on the promotion of widespread national interest in the objects of the corporation, public policy, far from dictating that meetings be held within the state, would justify the holding of meetings at any place selected. It has been so held in the case of mutual benefit associations. *Derry Council No. 40, J. O. U. A. M. v. State Council J. O. U. A. M.* (1900) 197 Pa. 413, 47 Atl. 208; *Sovereign Camp, Woodmen of the World v. Fraley* (1900) 94 Tex. 200, 59 S. W. 879. The decision of the principal case is a welcome extension of the rule to other corporations not for profit and is of considerable practical interest. See (1918) 56 Nat. Corp. Rep. 477.

EMINENT DOMAIN—PROPERTY ALREADY DEVOTED TO PUBLIC USE—COMPENSATION TO COUNTY FOR FLOODING PUBLIC ROAD.—The United States constructed a dam in the Cumberland River which resulted in permanently flooding a public road in Wayne County, Ky., the fee of the road being in the abutters. The county thereupon opened a new road in lieu of the flooded portion of the old, and brought suit against the United States to recover the cost of constructing the new road. *Held,* that the county was entitled to recover, since the easement which it held in trust for the public must be regarded as private property within the prohibition of the fifth amendment forbidding the taking of private property without just compensation. *Wayne County v. United States* (Apr. 22, 1918) U. S. Ct. Cl. No. 32713.

Public property of a county, such as a street or bridge, is not within the protection of the state constitution when appropriated by the state legislature for another public purpose. *Heffner v. Cass and Morgan Counties* (1901) 193 Ill. 439, 62 N. E. 201; *cf. Mt. Hope Cemetery v. Boston* (1893) 158 Mass. 509, 33 N. E. 695. But it would seem that such property might well be deemed private property with respect to a taking by a different sovereignty, the national government. This appears to have been the holding in certain cases involving the condemnation by the United States of certain municipal property for the site of fortifications. *Nahant v. United States* (1905, C. C. A. 1st) 136 Fed. 273, 70 C. C. A. 653 note; *United States v. Nahant* (1907, C. C. A. 1st) 153 Fed. 520; see also *United States v. Certain Land, etc.* (1908, C. C. N. H.)

165 Fed. 783; *United States v. City of Tiffin* (1911, C. C. N. D. Oh.) 190 Fed. 279; *cf. In re Certain Land* (1902, D. C. Mass.) 119 Fed. 453. On the precise issue that the United States must make compensation to a county for taking a public road, there is an almost complete dearth of authority. The *Nahant* case favors a contrary decision but contains no adequate discussion of the point.

HUSBAND AND WIFE—RIGHT OF WIFE TO SUE HUSBAND FOR ASSAULT AND BATTERY.—The plaintiff sued her husband for assault and battery. Statutes provided that husband and wife might contract with each other; that she might sue alone for injuries to her property, person, or reputation; and that the damages recovered should be her separate property. *Held,* that she could maintain the action. *Johnson v. Johnson* (1917, Ala.) 77 So. 335.

The common law rendered it impossible for a wife to sue her husband because of the theoretical unity of the relation; which in practice meant that recovery would be useless, as he would get the damages as soon as recovered. 1 *Bl. Comm.* 443; see 1 Bishop, *Married Women,* sec. 109; see *Co. Litt.* 133. Enabling statutes giving the wife control of her separate property, and hence of any damages recovered, have been generally and properly construed to permit an action by the wife against the husband for injury to her property. *Mason v. Mason* (1892, N. Y. Sup. Ct.) 66 Hun, 386, 21 N. Y. Supp. 306; *De Baun v. De Baun* (1916) 119 Va. 85, 89 S. E. 239; *Regal Realty, etc., Co. v. Gallagher* (1916, Mo.) 188 S. W. 151; *Borton v. Borton* (1916, Tex. Civ. App.) 190 S. W. 192. But there has been an obstinate indisposition to allow a similar action in tort for injury to the wife's person or reputation. *Thompson v. Thompson* (1910) 218 U. S. 611, 31 Sup. Ct. 111. *Strom v. Strom* (1906) 98 Minn. 427, 107 N. W. 1047, 6 L. R. A. (N. S.) 191, and note; *Nickerson v. Nickerson* (1886) 65 Tex. 281; *Schultz v. Schultz* (1882) 89 N. Y. 644. The supposed public policy on which these decisions are based (the protection of the home and the sacred relations of marriage) is believed to be more imaginary than real. For divorce proceedings are permitted, which wholly break up the home. And it is hard to see why criminal proceedings, which are also allowed, do not do more violence to the sanctity of the marriage relation than the civil action which is denied. See *Fiedler v. Fiedler* (1914) 42 Okla. 124, 140 Pac. 1022. The principal case is supported by adjudications in other jurisdictions. *Brown v. Brown* (1914) 88 Conn. 42, 89 Atl. 889; *Fitzpatrick v. Owen* (1916) 124 Ark. 167, 187 S. W. 460; see also *Sykes v. Speer* (1908, Tex. Civ. App.) 112 S. W. 422; *Abbe v. Abbe* (1897, N. Y.) 22 App. Div. 484, 48 N. Y. Supp. 25. The decisions reached seem to depend not so much on the phraseology of the statutes as on the judicial attitude towards them. By some courts they are considered as "statutes in derogation of the common law," and hence to be strictly construed. *Compton v. Pierson* (1877, Prerog.) 28 N. J. Eq. 229; *Union Trust Co. v. Grosman* (1917) 38 Sup. Ct. 147. By other courts they are construed liberally as "remedial statutes." *Fiedler v. Fiedler, supra.* The liberal construction seems the saner. These statutes change the common law, to be sure, and add to it. But like survival statutes, they add in order to remedy long-felt defects; and the new rights they create should be measured with a view to the needs which called forth their creation. See Black, *Construction and Interp. of Laws,* 244.

INTERNATIONAL LAW—CITIZENSHIP—EXPATRIATION.—X, a native American citizen, son of a Chinese citizen, proceeded to China in 1890, married there a Chinese woman and continuously resided there until 1917, when he died. For